

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-3, 7, 9-16, and 20 are pending in the application, with claims 1, 7, and 16 being the independent claims. Claim 19 is canceled in this Amendment and Reply without disclaimer of or prejudice to the subject matter recited therein. No other amendments are made herein.

Provisional Double Patenting Rejection

Claims 7, 9, and 10 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/725,538. The Examiner states that “[a]lthough the conflicting claims are not identical, they are not patentable distinct from each other because the claimed invention of the copending application contains the same elements as the present application, the only difference in is that the second valve gating [element] is the same as the piston of the copending application to which one of ordinary skill in the art recognizes that a piston is a type of valve gating element in the injection molding arts.” Applicant respectfully traverses the rejection.

Independent claim 7 of the present application recites that the first melt channel of the nozzle is axially offset from the second melt channel of the nozzle. Contrary to the Examiner’s assertion, this feature is not contained in claim 1 of co-pending Application No. 10/725,538, nor is it obvious in view of claim 1 of the co-pending application. Independent claim 7 of the present application further recites a melt channel connector provided between the manifold and the nozzle, with the melt channel connector having a first connecting melt

channel and a second connecting melt channel. This feature also is not recited in the co-pending application. Further, independent claim 7 recites first and second “valve gating elements” for selectively opening first and second “gates” to allow the first and second melt streams to flow into the “mold cavity”. These terms are known in the art and refer to mold cavity valve gating elements. The injection piston recited in claim 1 of the co-pending application is not a “valve gating element”. Accordingly, for at least the reasons noted above, independent claim 7 is patentably distinct from the invention claimed in claim 1 of the co-pending application because claim 1 of the co-pending application does not contain the same elements as claim 7 of the present application. Claims 9 and 10 depend from claim 7 and add features thereto. They are therefore patentably distinct from claim 1 of the co-pending application for at least the same reasons as claim 7. Applicant therefore respectfully requests that the rejection be withdrawn.

Claim 16 of the present application stands provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of copending Application No. 10/725,538. The Examiner states that “[a]lthough the conflicting claims are not identical, they are not patentable distinct from each other because Babin (‘538) claims a nozzle body (30) with a first valve gating element (75), second valve gating element (58), first actuation element (74), second actuation element (64), and means to independently drive the valve gating mechanisms. These are similar to the claimed invention of the present application which is broader than claim 6 of application (‘538).” Applicant respectfully traverses the rejection.

Claim 16 of the present application recites that “the second actuation mechanism [is] positioned between the first actuation mechanism and the nozzle body and configured to allow the first valve gating element to pass therethrough unimpeded.” Claim 6 of the co-pending ‘538 application does not recite such a feature, nor is such a feature obvious in view of claim 6. Further, independent claim 16 recites first and second “valve gating elements.” “Valve gating element” is a term that is known in the art and the injection piston recited in claim 6 of the co-pending application is not a “valve gating element”. Accordingly, claim 16 of the present application and claim 6 of the co-pending ‘538 application are patentably distinct from each other. Applicant therefore respectfully requests that the rejection be withdrawn.

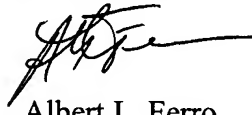
Conclusion

Applicant believes that the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully
requested.

Respectfully submitted,

MEDLER FERRO PLLC

A handwritten signature in black ink, appearing to read 'A. Ferro', is written over the printed name.

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